IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.353 OF 2006

Hasmukh Jamnadas Shah ...Applicant

vs.

Lalitaprasad Kamlaprasad Tripathi & Anr. ...Respondents

Ms K.S.Bharucha i/b Mr.Sundeep Velkar for the Applicant
Mr.A.S.Shitole A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 15,2006.

P.C.:

1. This Revision Application is filed by the original complainant who has lodged F.I.R. against the first Respondent. The allegation is of commission of offence under section 420 of the Indian Penal Code. The learned Additional Sessions Judge had granted provisional bail for temporary period up to 25th April 2006 to enable the first Respondent to attend his daughter's marriage at his native place in Uttar Pradesh. As a condition for grant of provisional bail, the learned Additional Sessions Judge directed the first Respondent to deposit a sum of Rs.1,28,000/-.

2. The learned Advocate appearing for the Applicant submitted that the first Respondent was ordered to deposit a sum of Rs.1,28,000/- as a condition for grant of provisional bail and after the first Respondent having availed of the facility of bail, the learned Judge could not have permitted the withdrawal of the said amount by the first Respondent. The learned Advocate further submitted that the Applicant has a

large claim against the first Respondent. Considering the nature of the allegations against the first Respondent, order of withdrawal could not have been passed.

3. I have considered the submissions. The first Respondent was directed to deposit a sum of Rs.1,28,000/- as a condition for grant of provisional bail for a limited period. Subsequently, regular bail has been granted in favour of the first Respondent. There is no allegation that the first Respondent committed misuse of the facility of the provisional bail. Therefore, the learned Additional Sessions Judge was justified in passing the order permitting the withdrawal of the sum of Rs.1,28,000/- by the first Respondent. I find no reason to interfere with the said order. Revision Application is rejected.

JUDGE